

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

PAUL OTTO, INC. individually)	
and o/b/o all others)	
similarly situated,)	
)	
Plaintiff)	
)	
v.)	No. 3:13-0531
)	Judge Sharp/Brown
)	Jury Demand
PILOT CORPORATION AND PILOT)	
TRAVEL CENTERS LLC d/b/a)	
PILOT FLYING J,)	
)	
Defendant)	

O R D E R

Presently pending is a joint motion to stay all proceedings in this action pending either approval or denial of the proposed class action settlement (Docket Entry 17). The Magistrate Judge has considered this motion along with the amended class settlement preliminary approval order (Docket Entry 19-1). The Magistrate Judge also considered the order of Magistrate Judge Katherine P. Nelson of the Southern District of Alabama, Docket Entry 14 in the case of *Wright Transportation, Inc. v. Pilot Corporation, et al.*, Civil Action 1:13-0352-N. While the settlement case is pending in Arkansas the Magistrate Judge Notes that the 6th Circuit has recently issues an opinion regarding settlement that may have some bearing given the objection cited in the Wright Transport case noted above. See *In re Dry Max Pampers Litigation*, 2013 WL 3957060 (6th Circuit 2013).

The Magistrate Judge believes that the issues pointed out by Magistrate Judge Nelson show that a total stay in this matter is not needed at this time. Accordingly, the motion is **DENIED**.

The parties had originally stipulated that the Defendant would have until August 22, 2013, to move or otherwise respond to the complaint. Subsequently, the case was stayed when the Defendant's motion to stay proceedings, pending transfer to the Judicial Panel on Multi-District Litigation (JPML) (Docket Entry 13), was granted by Judge Sharp (Docket Entry 15).

It appears that the JPML has now declined to make this an MDL case at this point.

Accordingly, the Defendant should answer or otherwise respond to the complaint in this matter on or before **September 6, 2013**.

This matter is set for a telephone conference on **Tuesday, September 17, 2013, at 1:00 p.m.** to discuss whether any further deadlines should be set. **The telephone call will be initiated by counsel for the Defendant.**

The Magistrate Judge notes that the Plaintiff in this case, Mr. Otto, purports to sue individually and on behalf of all others similarly situated in this case. He joined a similar class action suit in Arkansas. During the telephone conference the Magistrate Judge will want to discuss which suit Mr. Otto really wants to be involved in.

It is so **ORDERED**.

/s/ Joe B. Brown

JOE B. BROWN

United States Magistrate Judge